

**Virginia State Corporation Commission
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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

PETITION OF

CHICKAHOMINY PIPELINE, LLC

For a declaratory judgment

Case No. PUR-2021-00211

NOTICE OF PARTICIPATION
OF HENRICO COUNTY, VIRGINIA

Henrico County, Virginia ("Henrico"), by counsel, provides notice that it will participate as a respondent in this proceeding pursuant to the Hearing Examiner's Ruling entered in this matter on September 22, 2021 ("Hearing Examiner's Ruling") and the Procedural Order entered in this matter on September 16, 2021 ("Procedural Order"). In accordance with 5 VAC 5-20-80(B), the Hearing Examiner's Ruling, and the Procedural Order, Henrico states the following:

I. Statement of Henrico's Interest

In its Petition for Declaratory Judgment and Request for Expedited Consideration ("Petition"), Chickahominy Pipeline, LLC ("Chickahominy") states that it proposes to construct, own, and operate a natural gas pipeline ("Pipeline") to transport natural gas from an unnamed supplier to a proposed combined-cycle generating facility ("Facility") to be constructed by Chickahominy Power, LLC ("CPLLC"). Petition, ¶¶ 1, 3-4. Chickahominy contends that the Pipeline is not subject to the jurisdiction of the State Corporation Commission ("Commission"). Petition, at 1.

The Pipeline will be located, in part, in Henrico and will likely cross land owned by Henrico, as well as the property of Henrico residents. The outcome of this proceeding will determine the scope of the Commission's authority with respect to the Pipeline and may influence how the route of the Pipeline is determined as well as the role of local zoning ordinances. *See, e.g.,*

Va. Code § 56-265.2:1(A). In certain circumstances, “the governing body of each locality in which a gas pipeline or electrical transmission line would be located shall have the right to request the Commission to consider directing a joint use of right-of-way within that locality.” *See* Va. Code § 56-259(D).

Finally, Henrico and its residents rely on the Commission's expertise in matters of pipeline safety. Henrico is concerned about the process undertaken by Chickahominy and the scarcity of information available to the affected public and localities.

II. Statement of the Action Sought by Henrico

In its prayer for relief, Chickahominy asks for the following: (1) that “the Commission enter an order declaring that its proposed construction, ownership, and operation of the Pipeline are not subject to the Commission’s jurisdiction under Title 56 of the Virginia Code,” (2) that “the Commission consider this Petition on an expedited basis,” and (3) that “the Commission grant such further relief as the Commission deems appropriate.” Petition, at 9.

As an initial matter, Chickahominy's prayer for relief declaring that the Pipeline is “not subject to the Commission’s jurisdiction under Title 56 of the Virginia Code” is overbroad. In its Petition, Chickahominy only presents arguments that “Chickahominy does not need Commission approval to construct the Pipeline” on the ground that the Pipeline is not subject to the Utility Facilities Act (Chapter 10.1 of Title 56 of the Code of Virginia (1950)). Chickahominy offers no justification for the Commission to find that the Pipeline is exempt from other provisions in Title 56, including Va. Code § 56-257.2.

Therefore, Henrico requests the following:

A. A ruling from the Hearing Examiner to schedule discovery and an evidentiary hearing regarding the factual assertions in the Petition.

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2021, the foregoing Notice of Participation of Henrico County, Virginia was filed electronically with the Clerk of the Commission using the electronic filing system of the State Corporation Commission, and that a true and exact copy was electronically served by email on the following:

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